

SCOTT COLE & ASSOCIATES, APC  
ATTORNEYS AT LAW  
THE WACHOVIA TOWER  
1970 BROADWAY, NINTH FLOOR  
OAKLAND, CA 94612  
TEL: (510) 891-9800

Scott Edward Cole, Esq. (S.B. #160744)  
Matthew R. Bainer, Esq. (S.B. #220972)  
Carrie S. Lin (S.B. #241849)  
**SCOTT COLE & ASSOCIATES, APC**  
1970 Broadway, Ninth Floor  
Oakland, California 94612  
Telephone: (510) 891-9800  
Facsimile: (510) 891-7030  
web: www.scalaw.com

Attorneys for Representative Plaintiff  
and the Plaintiff Class

Julie A. Kole, Esq. (S.B. #203681)  
Julie L. Taylor, Esq. (S.B. #154341)  
**KEESAL, YOUNG & LOGAN, APC**  
450 Pacific Avenue  
San Francisco, California 94133  
Telephone: (415) 398-6000  
Facsimile: (415) 981-0136  
Email: julie.kole@kyl.com  
Email: julie.taylor@kyl.com

Attorneys for Defendant  
TD Ameritrade, Inc.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

JASON THOMAS, individually, and on  
behalf of all others similarly situated,

Plaintiff,

v.

T.D. AMERITRADE, INC.

Defendant.

**Case No.: C 08-02397 WDB**

**CLASS ACTION**

**STIPULATION AND ~~PROPOSED~~ ORDER  
TO SET NEW MEDIATION AND CASE  
MANAGEMENT CONFERENCE DATES**

**WHEREAS**, this Court's August 14, 2008 Case Management Order required the parties to complete private mediation before November 30, 2008 (should they decide to attempt ADR through these means), and set a further Case Management Conference for December 10, 2008;

**WHEREAS**, the parties have agreed to engage in early private mediation, and have filed a letter of intent with the Court stating same; and

1       **WHEREAS**, the earliest available date for the parties to engage in private mediation with  
2 a mutually-acceptable mediator is December 9, 2008;

3       **WHEREAS**, should the mediation be successful, the parties wish the opportunity to notify  
4 the Court of any tentative settlement in their Case Management Conference Statement, ordinarily  
5 due seven days before the Case Management Conference.

6  
7       **IT IS THEREFORE STIPULATED AND AGREED**, by and between the parties hereto, through  
8 their attorneys of record, as follows:

9       The parties will attend private mediation in this case on or before December 9, 2008;

10       The Case Management Conference, currently set for December 10, 2008 should be continued  
11 to at least December 18, 2008.

12  
13 Dated: September 25, 2008

14       **KEESAL, YOUNG & LOGAN, APC**

15 By: 

16 Julie A. Kole, Esq.  
Attorneys for Defendant

17  
18 Dated: September 24, 2008

19       **SCOTT COLE & ASSOCIATES, APC**


20 By: 

21 Carrie S. Lin, Esq.  
22 Attorneys for the Representative Plaintiff  
23 and the Plaintiff Class  
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1 **IT IS HEREBY ORDERED** that:

- 2 1. The parties shall have until December 9, 2008 to conduct a mediation in this action.
- 3 2. The Case Management Conference, currently scheduled for December 10, 2008, is hereby
- 4 continued to December 18, 2008, at 1:30 p.m.

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7 The Honorable Wayne D. Brazil  
United States District Court Magistrate Judge

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